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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,039

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James Michael McArdle

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IBM CORP (YA)  
C/O YEE & ASSOCIATES PC  
P.O. BOX 802333  
DALLAS, TX 75380

EXAMINER

SYED, FARHAN M

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/645,039	MCARDLE, JAMES MICHAEL	
	Examiner	Art Unit	
	Farhan M. Syed	2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>(herein)</u> .                           |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                           |

### DETAILED ACTION

1. Claims 1-20 are pending.

#### *Response to Amendment*

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action (dated 23 August 2006) is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 101*

Applicant's arguments filed 21 November 2006 have been fully considered but they are not persuasive. As per claims 16-18, the Applicant argues that the Examiner incorrectly connects any use of radio and light wave transmissions to the claims in rejecting Applicants' reasoning. The Examiner respectfully disagrees with the Applicant and reasons that because the computer readable medium embodies the use of computer readable signals such as a radio frequency or light wave transmission. That is, from a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal. These interim guidelines propose that such **signal claims are ineligible for patent protection** because they do not fall within any of the four statutory classes of §101. Therefore, the rejection of claims 16-18 under 35 U.S.C. §101 is

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sustained. For more information, please consult the Interim Guidelines

([http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

pdf).

### ***Response to Arguments***

3. Applicant's arguments filed 21 November 2006 have been fully considered but they are not persuasive.

The Applicant argues:

(1) "...Google fails to show the claimed feature, 'receiving a request from a client to set a cultural context from the plurality of cultural context for the database,' 'select a text message in an appropriate cultural context,' as claimed.

The Examiner respectfully disagrees. The prior art of record clearly shows receiving a request from a client to set a cultural context from the plurality of cultural context for the database. As the Applicant astutely refers to the specifications that a cultural context including a country, time zone, age, or date **may be** used in place of a language. The Examiner infers this to mean all of the above, including language; therefore, the prior art of record does recite a cultural context. Furthermore, the receiving a request from the client is clearly shown by the prior art of record, where the request is contained in the string box 'Search For' to which when the user clicks on the 'Google Search' button or even the 'Translate button' a request is submitted. This is fundamental to web-based forms and technologies. Finally, the plurality of cultural

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context for the database are contained in the different languages that a user may select as their cultural context.

(2) "The Examiner has not pointed to anything in the reference that specifically teaches the features of claim 9 and other similar claims in this group."

The Examiner respectfully disagrees. Claim 9 and other similar claims are a narrower limitation of Claim 1 and therefore the Examiner, given the broadest reasonable interpretation, has grouped Claim 9 and other similar claims to claim 1. The limitations of claim 9 have been addressed in the previous argument.

(3) "The Examiner has failed to state a prima facie obviousness rejection because the proposed combination does not teach all of the features of claim 4."

The Examiner respectfully disagrees. Google does not explicitly teach a method wherein multi-cultural text is stored in separate rows with a messageID and a cultural context ID. Conrad teaches a method wherein multi-cultural text is stored in separate rows with a messageID and a cultural context ID. Both messageID and cultural contextID illustrate an object-related object pair, which clearly is exemplified in Conrad, where the Table of View correlates to the Table of Auths by having separate rows for each corresponding pair. Although the prior art of record does not explicitly recite messageID and cultural contextID, the use of messageID and cultural contextID are merely the intended use of the prior art.

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(4) "The Examiner has failed to state a prima facie obviousness rejection against features of claim 4 because the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both prior art are database driven, whether explicitly or implicitly, and the knowledge generally available to one of ordinary skill in the art clearly indicates that to access database containing text messages for a plurality of cultural context, which may be interactive with the user for managing activities for all of the systems.

Any other arguments by the applicant are either more limiting than the claimed language or completely irrelevant.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by a non-patent literature titled "Google Language Tools" (published Aug. 13, 2002, [http://www.google.com/language\\_tools](http://www.google.com/language_tools), known hereinafter as Google).

As per claims 1, 9, 11, 14, 16, 18, 19, and 20, Google teaches a method in a data processing system for accessing a database containing text message for a plurality of cultural contexts, the method comprising (i.e. The Google language tool is a data processing system for accessing a database, because an ordinary person skilled in the art understands that Google is a popular search engine on the World Wide Web.)(Page 1): receiving a request from a client to set a cultural context from the plurality of cultural contexts for the database (i.e. On page 1, the search page written in: <any language> clearly illustrates that a client requests a cultural context, which is selecting a language from a plurality of cultural contexts, which are many languages contained in the drop-down field. Furthermore, because the Google site is a search engine, an ordinary person skilled in the art understands that a database resides on the back-end that services the Google language tools site.)(Page 1); and responsive to receiving queries from the client (Page 1 indicates that a text field contained in Search for: clearly indicates that this page is responsive to receiving queries from the client)(Page 1), processing the queries using the locale to select a text message in an appropriate cultural context (Page 1 clearly indicates that the locale is the result of the client selecting pages located in <any country>, contained in the search for text field would be the targeted text message, and the query is processed when a client selects the Google Search button.)(Page 1) without requiring the queries from the client to include the cultural context (i.e. "Tip: If you typically search only pages in a specific language or languages, you can save this as your default search behavior on the Preference page." The preceding text clearly indicates that a client has an ability to pre-select the cultural context and perform queries.)(Page 1).

As per claims 2 and 12, Google teaches a method wherein the cultural context includes at least one of a language, a country, and a time zone (i.e. "Search pages written in: <any language>" "Search pages located in <any country>" The preceding text clearly indicates that at least one language and one country is selected as a cultural context)(Page 1).

As per claims 3, 13, and 17, Google teaches a method wherein the database includes a plurality of message tables and wherein messages in the message tables are provided in the plurality of cultural contexts (i.e. Page 1 and 2 clearly teach that the Google Language site is a search engine that contains a database that contains a plurality of message tables, which are the plurality of languages listed on pages 1 and 2. Furthermore, an ordinary person skilled in the art understands that messages are contained in the plurality of message tables and are provided in the plurality of cultural context.)(Pages 1 and 2).

As per claim 5, Google teaches a method wherein the cultural context ID is fixed based on the request (i.e. "Search pages written in: <any language>" The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is fixed based on the request, where once the user selects the language option, the computer system is reconfigured based on the corresponding locale.)(Page 1).

As per claim 6, Google teaches a method wherein the cultural context ID is a language ID (i.e. "Search pages written in: <any language>"" The preceding text clearly indicates that the cultural ID, which is the value of the user selecting a language option is also the language ID.)(Page 1).



As per claim 7, Google teaches a method wherein the receiving step is located in one of a database engine and a command line parser (Page 1 clearly teaches that the Google Language Tool is a database engine that also contains a command line parser, which is the text field contained in the "Search for" field.)(Page 1).

As per claim 8, 10, and 15, Google teaches a method wherein the cultural context is selected from one of a language, geographic location, age, year, or month (i.e. "Search pages written in: <any language>" "Search pages written in: <any language>" The preceding text clearly indicates that the cultural context can be a language or geographic location.)(Page 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Google Language Tool in view of Conrad et al (U.S. Patent No. 5,539,870 and known hereinafter as Conrad).

As per claim 4, Google does not explicitly teach a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID.

Conrad teaches a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID (i.e. *"For example, the table contains entries to define a relationship of TABLE 98 to VIEW 99 and TABLE 100 to AUTHS 101 by having two separate rows having TABLE as the object type with corresponding related object type entries of "VIEW" and "AUTHS work". There is further repetition for all of the applicable qualifiers to each object-related object pair."* The preceding text clearly indicates that a multi-cultural text is a table entry and 'View' and 'Auths work' are message ID and a cultural context ID, respectively.)(column 8, lines 24-30).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Google with the teachings of Conrad to a method wherein multi-cultural text is stored in separate rows with a message ID and a cultural context ID with the motivation to manage all of the systems in a distributed database system. (Conrad, column 2, line 27).

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhan M. Syed whose telephone number is 571-272-7191. The examiner can normally be reached on 8:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMS



JEFFREY GAFFIN  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2100